

## STATE OF CONNECTICUT

## DEPARTMENT OF PUBLIC HEALTH

CERTIFIED MAIL - \_\_\_\_\_

October 15, 2004

James Sanders, Embalmer  
23 Murray Street  
Waterbury, CT 06710

Dear Mr. Sanders:

This is in regard to your Connecticut Embalmer's license that was granted July 5, 2001 in accordance with the terms of your Reinstatement Consent Order, Petition Number 2001-0530-030-005.

Pursuant to paragraph 6 of the Reinstatement Consent Order, any deviation from the term(s) of the Reinstatement Consent Order without prior written approval of the Department of Public Health shall constitute a violation. A violation of any term(s) of the order shall result in the right of the Department, in its discretion, to immediately deem your embalmer's license rescinded.

Please be advised that the Department has determined that you have violated the terms of your Reinstatement Consent Order in that you arranged and conducted funerals and pre-need arrangements outside the supervision and control of the licensed manager, you failed to have monthly meetings with your supervisor and failed to provide the supervisor with funeral records for his review; and you mishandled the pre-need escrow funds of the deceased G.E.

As a result of the above violations, the Department has determined to rescind your license effective the date of this letter. Please note that pursuant to paragraph 6, you waived any right to a hearing on the issue of violation of the terms of the Order.

Please return your three-part license documents to the Department's Office of Practitioner Licensing and Certification no later than November 1, 2004, to the attention of Janine Cordero, Licensing Examination Assistant.

Sincerely,

Marianne Horn, R.N., J.D.

Director

Division of Health Systems Regulation

c: Stanley K. Peck, Director, Legal Office  
Donna Brewer, Director, Public Health Hearing Office  
Jennifer Filippone, PHMS, Office of Practitioner Licensing and Certification  
Bonnie Pinkerton, RNC, Health System Regulation

(860) 509-7552

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**STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH  
BUREAU OF REGULATORY SERVICES**

In re: James R. Sanders

Petition No. 2001-0530-030-005

**REINSTATEMENT CONSENT ORDER**

WHEREAS, James Sanders of Waterbury, CT (hereinafter "respondent") has been issued license number 002055 to practice as an embalmer by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 385 of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent's license expired on May 31, 1995, and respondent has applied to have said license reinstated by the Department pursuant to Chapter 368a of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent agrees that:

1. On May 26, 1993, a Memorandum of Decision was issued against respondent, which suspended his embalmer's license for one year, stayed after three months. It further placed his license on probation for a period of nine months under various terms and conditions, to commence immediately upon completion of the actual suspension.
2. While on probation, respondent failed to comply with certain terms of the Memorandum of Decision in that he falsified official documents and failed to submit affidavits as required.
3. Subsequent to respondent's failure to meet the above terms, a Consent Order was issued effective September 18, 1995, requiring respondent to pay a civil penalty and placing his license on probation for a period of two years.
4. Respondent's license lapsed May 31, 1995, after which he continued to practice.

5. Pursuant to a Memorandum of Decision dated November 12, 1998, respondent was ordered to cease and desist the practice of embalming.
6. On October 16, 1998 respondent submitted an application for reinstatement of his embalmer licensure. Such application was denied pursuant to a Final Memorandum of Decision issued December 19, 2000.
7. The conduct described above constitutes grounds for the denial of respondent's recent application for reinstatement pursuant to §19a-14 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §19a-14 of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives the right to a hearing on the merits of his application for reinstatement.
2. Respondent has satisfied the requirements for reinstatement as set forth in Chapter 385 of the General Statutes of Connecticut and his license to practice as an embalmer shall be reinstated upon the effective date of this Reinstatement Consent Order.
3. Respondent's license to practice as an embalmer in the State of Connecticut shall, immediately upon reinstatement, be placed on probation for a period of three (3) years. The probationary period for his embalmer license shall be under the following terms and conditions:
  - a) Respondent shall comply with all federal and state statutes and regulations applicable to his license.
  - b) Respondent shall not own or operate a funeral home for the duration of the probationary period.
  - c) Respondent's practice shall be supervised at all times by a licensed embalmer approved by the Department (hereinafter "supervisor").

- (i) Respondent's supervisor shall meet with him not less than weekly for the first six months of the probationary period and monthly for the remainder of the probationary period.
  - (ii) The supervisor shall have the right to monitor respondent's practice by any reasonable means which he or she deems appropriate. Respondent shall fully cooperate with the supervisor in providing such monitoring.
  - (iii) The supervisor shall forward written reports directly to the Department on a monthly basis for the first six months of the probationary period and on a quarterly basis for the remainder of the probationary period. Such supervisor's reports shall include documentation of dates and durations of meetings with respondent, monitoring techniques utilized, and statement that respondent is practicing with reasonable skill and in accordance with accepted standards of practice.
- d) Respondent shall, within six (6) months of the effective date of this Reinstatement Consent Order, complete a course in ethics approved by the Department.
- 4) Respondent shall notify the Department of any change(s) in his employment within fifteen (15) days of such change.
  - 5) Respondent shall notify the Department of any change(s) in his home and/or business address within fifteen (15) days of such change.
  - 6) Any deviation from the term(s) of this Reinstatement Consent Order without prior written approval of the Department shall constitute a violation. A violation of any term(s) of this Reinstatement Consent Order shall result in the right of the Department in its discretion to immediately deem respondent's embalmer license rescinded. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department's right to take action at a later time. The Department shall not be required to grant future extensions of time or grace periods. Notice of the rescission of the license shall be

sent by the Department to respondent's address of record. Respondent waives any right to a hearing on the issue of violation of the terms of this Reinstatement Consent Order.

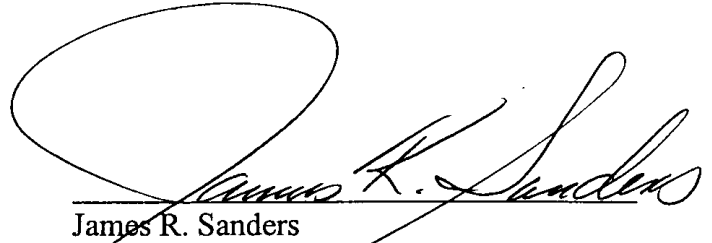
- 7) That correspondence and reports required by the terms of this Reinstatement Consent Order are to be addressed to:

Richard Goldman, Paralegal Specialist  
Department of Public Health  
Division of Health Systems Regulation  
410 Capitol Avenue, MS #12HSR  
P.O. Box 340308  
Hartford, Connecticut 06134-0308

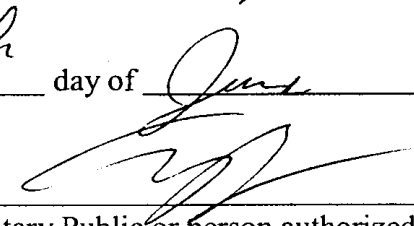
- 8) Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department.
- 9) Respondent understands that this Reinstatement Consent Order may be considered as evidence of the above-admitted violations in any proceeding before the Connecticut Examining Board of Embalmers and Funeral Directors in which (1) his compliance with this Reinstatement Consent Order is at issue, or (2) his compliance with §20-227 of the Connecticut General Statutes, as amended, is at issue.
- 10) This Reinstatement Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Reinstatement Consent Order is not subject to appeal or review under the provisions of Chapters 54 and 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any other rights that he may have under the laws of the State of Connecticut or of the United States.
- 11) This Reinstatement Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.

- 12) This Reinstatement Consent Order is effective when accepted and approved by a duly appointed agent of the Department.
- 13) Respondent understands this Reinstatement Consent Order is a matter of public record.
- 14) Respondent understands he has the right to consult with an attorney prior to signing this Reinstatement Consent Order.

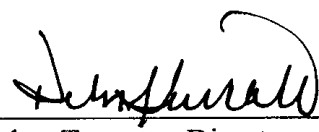
I, James R. Sanders, have read the above Reinstatement Consent Order, and I agree to the terms and allegations set forth therein. I further declare the execution of this Reinstatement Consent Order to be my free act and deed.

  
James R. Sanders

Subscribed and sworn to before me this 28<sup>th</sup> day of June 2001.

  
Notary Public or person authorized  
by law to administer an oath or  
affirmation Commissioner Lapin Court

The above Reinstatement Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 5<sup>th</sup> day of July \_\_\_\_\_ 2001, it is hereby ordered and accepted.

  
Debra Turcotte, Director  
Division of Health Systems Regulation